

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MORRIS EUGENE FOSTER,

Petitioner,

v.

Case No. 08-CV-14269

DAVID BERGH,

Respondent.

**OPINION AND ORDER DENYING PETITIONER'S
MOTION FOR A CERTIFICATE OF APPEALABILITY**

On November 30, 2010, the court issued an order adopting the magistrate judge's report and recommendation, and denying Petitioner Morris Eugene Foster's petition for habeas corpus. On January 19, 2011, Petitioner filed a motion for a certificate of appealability. The court declined to issue a certificate of appealability in its opinion and order denying the petition. The court finds no reason to reconsider that decision. A motion for reconsideration which presents issues already ruled upon by the court, either expressly or by reasonable implication, will not be granted. *See Hence v. Smith*, 49 F. Supp. 2d 547, 550 (E.D. Mich. 1999); *Czajkowski v. Tindall & Assoc., P.C.*, 967 F. Supp. 951, 952 (E.D. Mich. 1997). Petitioner has not met his burden of showing a palpable defect by which the court has been misled or his burden of showing that a different disposition must result from a correction thereof, as required by Local Rule 7.1(h)(3). Accordingly, the court will deny his motion for a certificate of appealability, which is essentially a motion for reconsideration.

IT IS ORDERED that Petitioner's motion for a certificate of appealability [Dkt. # 25] is DENIED.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: February 24, 2011

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, February 24, 2011, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522